S.B.CIVIL WRIT PETITION NO. 7965/2005
Ishar Ram and another.
Versus.
Board of Revenue, Ajmer and others.
10/10/2006

HON'BLE MR.JUSTICE ASHOK PARIHAR.

Mr. Anoop Dhand, for the petitioners.

As per report of Patwari concerned the Tehsildar initiated proceedings under Section 91 of the Rajasthan Land Revenue Act against the petitioner and ordered for eviction of the petitioner treating him to be an encroacher vide order dated 06/04/1992. The District Collector on an appeal remanded the matter back to the Tehsildar for deciding the question of continuous possession of the petitioner on the land in question. On a further appeal filed before the Revenue Appellate Authority the order dated 23/12/1993 passed by the District Collector was set aside by the Revenue Appellate Authority vide order dated 02/05/2000 which has further been affirmed by the Board of Revenue vide order dated 07/06/2004. There is no dispute that the land in question has been entered as 'Charagah' land in the revenue record. As per specific prohibition under Section 16 of the Rajasthan Tenancy Act, no 'Khatedari' rights can be given on the 'Charagah' land until and unless the same is converted by the authorities concerned for any other purposes. The Revenue Appellate Authority as also Board of Revenue on the basis of material available on record has come to a finding that the petitioners have not been able to prove their continuous possession over the land in question. Since after due consideration proper discretion has been used not only by the Revenue Appellate Authority but the Board of Revenue also, in the facts and circumstances, no further interference is called for by this Court.

The writ petition is dismissed accordingly as having no merits.

(Ashok Parihar), J.